Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West

Minutes May 8, 2015

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 8, 2015, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. DeJoy, McMahon, Merrigan, Noecker, Padilla, Reveal, Shively, Thao, Underwood and Messrs. Connolly, Edgerton, Gelgelu, Makarios, Nelson, Ochs, and Oliver.
Commissioners Absent:	Ms. *Wang, and Messrs. *Lindeke, *Ward, and *Wickiser. *Excused
Also Present:	Donna Drummond, Planning Director; Allan Torstenson, Bill Dermody, Michelle Beaulieu, Merritt Clapp-Smith, Mike Richardson, Leila Tripp, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 24, 2015.

MOTION: ***Commissioner Reveal moved approval of the minutes of April 24, 2015. Commissioner Padilla seconded the motion. The motion carried unanimously on a voice vote.***

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that three City Council appeals have been filed from Planning Commission decisions made at their last meeting, including the Hawkins Chemical conditional use permit, the Shepard Davern development height variance, and the Highland Village mixed use development site plan review. Public hearings on the appeals are yet to be scheduled. She also announced that the Great River Gathering is next Thursday, and commissioners that have registered should let her know today so that she can make sure they are seated together.

IV. PUBLIC HEARING: Residential Standards Zoning Code Amendments – Item from the Neighborhood Planning Committee. *(Mike Richardson, 651/266-6621)*

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Residential Standards Zoning Code Amendments. Notice of the public hearing was published in the Legal Ledger on April 27, 2015, and was mailed to the citywide Early Notification System list and other interested parties.

Mike Richardson, PED staff, went over the background and purpose of the study, starting with a focus on Ward 3, and Zoning Code amendments that would apply city-wide that have been drafted for discussion and public comment. Letters from 8 of District Councils had been received, along with 13 other letters and 9 comments through Open Saint Paul. Mr. Richardson summarized some of the issues that have been raised.

Chair Wencl read the rules of procedure for the public hearing.

The following people spoke.

1. Karen Jeffords-Brown, 1928 Berkeley Ave., represented Save Our Saint Paul Neighborhoods, a citywide community action group. They support the proposed zoning code amendments for Ward 3, but believe the new standards need further consideration as to whether they are well suited for the whole city. She suggested implementing them as a pilot for 3-5 years in Ward 3, and then evaluating whether they have inhibited investment or created other problems. Reducing actual mass and perceived mass of houses that can be built so close to property lines on small lots is needed in Ward 3. They suggest that the city develop conservation districts as a tool which could be tailored to conditions and needs in our neighborhoods. They also submitted written comments.

2. Larry Pfaff, 1951 Highland Parkway, referred to a decision making rule that is helpful in solving complex problems, consisting of three boxes. In the first box are things you have to do, in the middle box are things that are not clear, and in the third box are things you can do on your own or are free to do. It seems to him that this kind of decision model would be useful in evaluating these design standards, which should be done periodically.

3. Dianne Ploetz, 1749 Bayard Ave., said the problem as she sees it is the large number of tear downs that are happening very rapidly, often by builders from outside of the neighborhood tearing down small homes and replacing them with very large homes. These new large homes often cause problems for neighbors in that they are built right up to property lines, restrict sun light, and impose on the rights of the people living nearby. She suggested a moratorium on tear downs, saying it's a complex issue. She also suggested a field trip for people to look at instances where this has been done very well and the new houses fit in with the neighborhood, and instances where new construction has not gone so well.

4. Shawn Devine, Board President of Fort Road Federation District 9, read from a letter that was submitted to the Planning Commission. The Fort Road Federation recognizes that other neighborhoods in Saint Paul, beyond Ward 3, also have concerns about infill and residential expansion projects. However in addressing these challenges the city must strike a balance between improving the existing housing stock with increased investment and respecting the current character of a neighborhood. The Federation supports immediate action to undertake zoning changes recommended for Ward 3. Once in place they plan on monitoring the effect in Ward 3 to determine what regulations might be suitable in Ward 2.

5. Andrew Barry, 1650 Juno Ave., supported quick action for Ward 3. He has noticed that much of the tear down and rebuild construction going on in Highland Park and Mac-Groveland are properties that have been on the market for a long time. These are properties that are not selling quickly and are not popular with the purchasing public. They're popular with builders because of the high return on investment but are not selling well and are not

always a good investment. Another concern in the amendments is building height. One of the characteristics of the new houses is that the entry door sill is often higher because of market pressure toward 9 foot ceilings in basements that have livable space beyond what has been traditionally done. The higher entry door and subsequently higher window spacing relative to adjacent properties is one of the characteristics that make these buildings not fit with their neighbors.

6. Bonnie Alton, 845 Fairmount Ave., said she appreciates the Neighborhood and Comprehensive Planning Committees realizing the importance of testing and outreach to fully vet the draft amendments and their suitability beyond Ward 3. She addressed the issue of lowering permitted residential building heights, and the downside of thousands of homes becoming nonconforming because of the more restrictive height limits. Houses that fall into that category in District 16 have undergone millions of dollars of renovation over the past 30 years to stabilize their suitability and character for years to come. When this was discussed at a District 16 meeting in April, Mr. Richardson made it clear that it would be the responsibility of the property owner to survey and measure the height surrounding houses in order to determine permitted building height. That seems overly restrictive. How does the city balance this with the need for higher value taxable real estate and the rights of citizens to own property without onerous restrictions? The current zoning regulations work. Other wards should have the opportunity Ward 3 has had to consider the implications of such restrictive amendments. Written testimony was previously submitted.

7. Philip Wahberg, representing Summit Hill Association District 16 Planning Council, noted that the study that was done for Ward 3 was extensive and done with considerable input from the neighborhood over a 12 month period. District 16 had only about a month since this has been discussed as potential citywide amendments to review and try and understand how they may affect the housing stock within their district. Their overall sense is that there's a rush to bring things together to make this a citywide change, and some of the amendments may not be appropriate for District 16 because of significant differences in housing stock. More analysis of the effects of the draft amendments on their neighborhood is needed before they are adopted for city-wide application.

8. Lori Brostrom, 710 Summit Ave., endorses moving ahead with the amendments for Ward 3, but asked for more time, effort and thoughtfulness in approaching these issues in Ward 2 and the other Wards in the city as has been done for Ward 3. She detailed in written comments she submitted things in the draft amendments that would not work for District 16.

9. Bonnie Blodgett, 1Crocus Hill, said it would be wise to look back at the history of Saint Paul neighborhoods and what happened in the 1970's when people came to fix up old houses and invest in historic neighborhoods. Now that is happening all over St. Paul. They love their 1880s house, but have had to make changes to it to make it livable for the 21st century. And some of those houses built in the 1880s and 1890s were the products of the kind of enthusiastic, exuberant creativity that now we are in danger of stifling with more restrictive zoning standards. She is not in favor of one-size-fits-all regulation, and noted her different feelings about recent issues at 1721 Princeton and 27 Crocus Place. She said we need to be careful to avoid the kind of rules that have unintended consequences.

10. Tia Anderson, representing the Highland District Council, said Ward 3 has experienced an increase in both tear downs and additions that are out of scale with their neighbors. The

Highland District Council supports the draft residential design standards. They also advocate for their application citywide, and for DSI staffing and funding for better enforcement of the city's zoning code. (Written comments were submitted from the Highland District Council.)

11. Michael Wilson, 1973 Stanford Ave., said he is all for creativity and freedom for great architects, but in Ward 3 he is seeing builders trying to take advantage of every single square foot of the lot and building two-story shoe boxes often obliterating views from the neighbors. He moved into Ward 3 thinking that this is one of the charming gems within Saint Paul. You drive through and it's almost fairytale-like. But now he is starting to see big expensive homes and it looks more like a suburb, not a place to look into the future to raise a family.

12. Andra Perzichilli, 378 Mt. Curve Blvd., is not in favor of the proposed one-size-fits-all changes. She lives in a 1925 house with 3 small children and she would like to be able to add on to the house to fit their needs. Houses on her block have been built in many different eras. Some fill every inch of buildable land, and it's done in a nice way. She feels that the proposed changes will have a lot of unintended consequences.

13. Harold Tremblay, 1467 Sargent Ave., said he is concerned that the restrictions will be watered down if they are applied citywide, and wants teardowns stopped in Ward 3. Last summer he couldn't park in front of his house for 2 months because of a teardown and rebuild, and the police were called on him when he questioned the owner of the property (a speculator) about his parking. The police said that this would be over in 2 months and the guy is still there cleaning up. He doesn't think citywide restrictions are necessary. Different wards have different concerns and needs. Ward 3 needs to have this stopped or restricted to the point where you can't build a house that's 3,000 square feet on a lot that was designed for a 1200-1500 sq. foot house. He bought in Saint Paul because it reminded him of New England where he grew up. Looking across the street at a house that belongs in a suburb that's towering over the house next door and is bigger than the largest duplex he has seen in his neighborhood reduces the quality of life.

14. Winston Kaehler, who lives on Palace Ave., said when he moved into his home he could see the sky from both sides of his house, and now can't. He supports revising regulations and standards for residential construction in Ward 3 as soon as possible. He finds it hard to believe that the current 35% lot coverage limit is being enforced, and he wants notification of neighbors for replacement of homes.

15. Matt Hill, Vice Chair, Heritage Preservation Commission, said their Executive Committee has discussed this, and the full commission wants to look at it as it moves forward. They share concerns expressed by others about applying the amendments citywide.

    Commissioner Nelson asked about impact of the draft amendments on historic preservation.

    Mr. Hill said he thinks there is a need to have data and inventory analysis of what we have. Too often we don't have the background information needed to help us make good decisions.

16. Meg Arnosti, 1722 Princeton, said she is grateful that Macalester College purchased the Dutch Colonial house across the street from her house so it wasn't replaced with two big monstrosities. She said she is a landscape architect and has a client on Mount Curve whose neighbor built a huge three-story back addition to their house that extends the length of their

property, so her client now wants to move unless she can find a way to help screen the addition. In the Tangletown neighborhood they would like the opportunity to have a conservation district overlay where they can create their own regulations that pertain to just their own neighborhood and they are moving forward with a study on that.

17. Dale Johnson, 1263 Shepard Road, said Ward 3 needs to address the two-story shoe boxes they have, but people in the other areas of the city should be allowed to take care of their area of the city, and a blanket document is not a good idea.

    Commissioner Connolly asked if there was any collective body of anecdotes or conventional wisdom about how the people who are moving into these houses are getting along.

    Mr. Johnson said that he sees animosity when a big house is built and the neighbors can no longer see the sky.

18. Mary Klauda, 1287 Hartford Ave., said she has had a large teardown remodel next to her for the last year and the neighbors are very nice. They act somewhat sheepishly around her because they realize how small her house it next to theirs, and she feels like she's the gardener. The neighbor has had with water in the basement, water in the garage, and issues with not having enough ventilation. He says he would not recommend the builder to anyone.

19. Catherine Penkert said they moved into their 1924 bungalow on Hartford Ave. 3 years ago. In the time that they have lived there they have seen what started as flipping a couple of houses change to feel like flipping the neighborhood. Many of these houses were done under remodel permits, so a remodel for a bathroom shows up in the data the same way as taking a house down to three walls and building a whole new house. So many of them don't show up as tear downs but that's what they are. You see this by walking around the neighborhood and in a 5 minute walk from her house they have seen close to twenty. She said a house built in 1924 that was taken down to three walls showed up as a remodel in the city's permit data. It takes the county's data a while to catch up, but now the county date shows it as a new house built in 2014 or 2015. When they bought their house they were in the middle to upper end of the price scale at just under $300,000, and now they're taking out the houses that are $200,000 and replacing them with $600,000 houses, so who can afford to live in Highland.

20. Carol Kist, who resides on Palace by Prior, said there are tear downs all around her house. She calls these houses McMansions because they are so huge and now people are saying shoe boxes, which she thinks is more appropriate because they seem to be made of quick, cheap material. A lot of them have wooden steps, which will fall apart in a few years. They have high ceilings and huge windows, and are not energy efficient. She said she may be chased out of the neighborhood because this is all going to make her property taxes go up.

21. Lisa Arnet, 1397 Berkeley Ave., said her house was affordable when they bought it 17 years ago, and now they probably would not be able to afford it. The house on one side of her house has sold and the people on the other side are going to move out. She is afraid that two gigantic new houses will take up the full length of those lots and box them in so they will never see anything but their own yard, and that will drive them out because she does not want to live like that.

MOTION: ***Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, May 11, 2015, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.***

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items to come before the Site Plan Review Committee on Tuesday, May 12, 2015:

- Site improvements for Martin Luther King play area at 271 Mackubin.
- West Side Flats (Phase 3) – Two new apartment buildings with a total of 266 apartment units at 41 Livingston.

Five items to come before the Site Plan Review Committee on Tuesday, May 19, 2015:

- Brandychase Townhouses – Drainage improvements for existing parking area at 2310 Benson Avenue.
- Battle Creek School – Drainage and site improvements for existing school at 2121 North Park Drive.
- Wheelock School – Drainage and site improvements for existing school at 1521 Edgerton.
- Kowalski's Market – Addition to existing grocery store at 1261 Grand Avenue.
- Twin Cities Academy – New school building and associated site work.

OLD BUSINESS

#15-021-950 Freedom Works, Inc. – Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area. 869 5th Street East, NW corner at Mendota. *(Bill Dermody, 651/266-6617)*

MOTION: ***Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.***

NEW BUSINESS

#15-020-454 Cory & Pamela Biladeau – Conditional use permit for a bed and breakfast residence with 3 guest rooms in a two-family dwelling, and variance of the requirement for paving of off-street parking and driveways. 96 Virginia Street between Laurel Avenue and Maiden Lane. *(Leila Tripp, 651/266-6708)*

MOTION: ***Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions and to deny the variance. The motion carried unanimously on a voice vote.***

#15-023-966 TNT Fireworks – Conditional use permit for outdoor commercial sale of consumer fireworks. 2481 7th Street West between Davern and Alton Streets. *(Michelle Beaulieu, 651/266-6620)*

Commissioner Padilla asked if we normally specify hours of operation in permits for fireworks sales and what the standard hours of operation are. She would like to specify hours of operation.

Allan Torstenson, PED staff looked at a conditional use permit for fireworks sales issued in 2010 that specified hours of operation of 9:00 a.m. to 8:00 p.m. daily.

Commissioner Merrigan said that in the last couple of years we've allowed fireworks sales to go to 9:00 p.m. or 10:00 p.m.

Commissioner Padilla made a motion to approve the language with the hours of operation as Mr. Torstenson can define based upon previous permits. Commissioner Gelgelu seconded the motion.

Commissioner Noecker asked what the rationale for limiting the hours is.

Commissioner Padilla said that the rationale is make these hours consistent with other business operations in the area, so that you're not doing outdoor fireworks sales at midnight or 2 a.m. It's to be consistent with the neighborhood and to provide people with a standard time that they know there will be no driving in and out of a parking lot to get fireworks.

Commissioner Noecker asked if we should be thinking more about the hours of surrounding neighborhood of businesses instead of being consistent with what the hours were previously.

Commissioner Merrigan said that in the past we have generally granted the hours that fireworks vendor have requested, which have typically been consistent with the hours of the shopping center parking lots they are in, and consistent with previously approved hours that have worked well.

Commissioner Shively noted that the letter from the TNT Fireworks regional manager said they would like to open daily from June 25th to July 5th with the hours of 8 a.m. to 10 p.m. daily, so maybe that is what should be specified.

Commissioner Nelson pointed out that there was no testimony there in opposition to this at all. The only person that testified was the applicant.

Commissioner Padilla said she can't remember if they have done 10 p.m. on week nights or if it's only been 10 p.m. on Friday and Saturday in the past. She doesn't want to specify 10p.m. for other days unless that's been done before, so she continues to move the resolution to have Mr. Torstenson make this similar to what this applicant has received in the past.

Chair Wencl said she would be comfortable with the hours specified for this applicant in the past.

Commissioner Nelson added that they should be the most liberal hours specified for this applicant in the past.

Chair Wencl replied yes, let's use the same hours we've specified for this applicant in the past.

MOTION: ***Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.***

#15-022-097 Wilebski's Blues Saloon Parking Lot – Revocation or modification of a nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216-269) due to noncompliance with the conditions of the permit. 92 California Avenue West, SE corner at Camelot Street. *(Bill Dermody, 651/266-6617)*

Commissioner Nelson noted that the applicant had requested that this be extended to September because they have applied for a STAR Grant to cover some of the cost of the parking lot. The Zoning Committee had asked whether the STAR Grant Committee was aware that STAR funds were being requested to pay for improvements required by the 2012 nonconforming use permit. The Zoning Committee felt that September is too long to wait for the improvements.

Commissioner Padilla added that she supported revoking the nonconforming use permit at the Zoning Committee meeting. The applicant is going to get this done. He probably received some bad advice from his attorney as he had started his work on the property and then was told to hold off, in order to apply for a STAR Grant and use some city funds to rectify a nonconforming use permit violation. And in order to not penalize the property owner for that bad advice, we allowed him to go through May 31st to get this done and he was very clear that he would get this done. The committee recommendation is for automatic revocation of the permit on June 1st if the required work is not completed by May 31st.

Commissioner Ochs said perhaps there should be more consideration as to the availability of contractors in the short time frame of 30 days.

Commissioner Padilla replied that he had a contractor ready to go and actually did some of the mill work on the site before he was told to hold off and apply for city funds for the work.

Commissioner Noecker hopes that it takes a minimum amount of staff time to further deal with this matter and confirm that the paving is done.

Bill Dermody, PED staff provided an update that the owner reports the paving is already complete and the striping is scheduled to be completed shortly. So this condition of May 31 should be doable.

MOTION: ***Commissioner Nelson moved the Zoning Committee's recommendation to approve the modification of existing nonconforming use permit to allow the applicant until May 31, 2015 to pave and stripe the parking lot. The motion carried unanimously on a voice vote.***

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on Thursday, May 14, 2015.

VI. Comprehensive Planning Committee

Commissioner Thao reported that at their last meeting they had continued discussion of the comments on proposed rules for the Mississippi River Critical Area. That discussion will continue at their next meeting. The action for the Planning Commission today is:

CIB Proposals – Approve resolution and forward to the (CIB) Capital Improvement Budget Committee. *(Michelle Beaulieu, 651/266-6620)*

Commissioner Reveal said she realizes that for STAR and CIB applications the Commission is only comments on conformity with Comprehensive Plan, but she hopes that staff will at least check to make sure the applicant is meeting all existing City requirements, particularly on zoning permits. She also thinks it should be verified that the money is not going to help the applicant comply with an existing City requirement that the applicant has failed to comply with in the past because that is not an appropriate use of STAR money. She doesn't think it's a problem if it's a new requirement being imposed on a business owner.

Commissioner Thao said that the next motion here is a revised resolution that gets to that point exactly. And they felt it didn't pertain to CIB, but it is in the next resolution.

MOTION: ***Commissioner Merrigan moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution and forward to the Capital Improvement Budget Committee. The motion carried unanimously on a voice vote.***

Neighborhood STAR Proposals – Approve resolution and forward to the Neighborhood STAR Board. *(Michelle Beaulieu, 651/266-6620)*

Commissioner Thao announced that the revised resolution includes an additional clause that addresses Commissioner Reveal's comments.

MOTION: ***Commissioner Thao moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution and forward to the Neighborhood STAR Board. The motion carried unanimously on a voice vote.***

Commissioner Thao also announced the items on the agenda at the next Comprehensive Planning Committee meeting on Tuesday, May 19, 2015.

VII. Neighborhood Planning Committee

Commissioner Oliver announced that the next meeting on Wednesday, May 13, 2015 has been cancelled.

VIII. Transportation Committee

Commissioner Ochs announced the items on the agenda at the next meeting on Monday, May 11, 2015.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Makarios announced that the Ford Task Force had a public meeting last week about pedestrians, biking and transit. About 175-200 people were in attendance. At the next Planning Commission meeting on May 22nd Merritt Clapp-Smith and Commissioner Makarios will give an update on the Ford site, including highlights from the European trip to view examples of large, urban redevelopment sites. The next public meeting for the Ford Task Force will be on Wednesday, May 27th, 7:00 p.m. at the Gloria Dei Lutheran Church. The subject will be streets, parking, and traffic.

Commissioner Reveal reported that the City Council did not take action on the West Side Flats Master Plan and is providing opportunity for further public input at a continuation of the public hearing in June. The Task Force will meet at least one more time to consider Councilmember Thune's recommended changes. Several task force members are concerned about them because they do eliminate most of the recommendations about the street grid and parks. The task force will testify at the next city council public hearing on June 3rd on behalf of whatever conclusion they reach.

Commissioner Thao has recently accepted the position of the co-chair of the Grand Round Community Advisory Committee. The first meeting will be on Tuesday, May 19, 2015 at the Arlington Hills Community Center.

Commissioner Oliver reported that the Gateway Station Area Planning Task Force met on May 5th and went over draft plans for the station areas and provided input to staff.

Commissioner McMahon announced that the Highway5/Shepard Road Study Task Force had its first open house at the Saint Paul Jewish Community Center. It was well attended.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:20 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Donna Drummond

Donna Drummond
Planning Director

Approved June 5, 2015
(Date)

for Daniel Ward II
Secretary of the Planning Commission

PlanningTeamFiles\planning commission\minutes\May 8, 2015